

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

EARL GRANT EDMONDSON

Petitioner,

v.

Civil Action No.: 5:16–CV–33
(JUDGE BAILEY)

WEST VIRGINIA STATE POLICE,
MOUNDSVILLE DIVISION,

Respondent.

REPORT AND RECOMMENDATION

On March 16, 2016, Petitioner, Earl Grant Edmondson, filed a “Request for Police Report” pursuant to the Freedom of Information Act. ECF No. 1. On the same day, the Clerk of Court sent Petitioner a Notice of General Guidelines and a Notice of Deficient Pleading. ECF Nos. 2 & 3. The Notice of Deficient pleading instructed Petitioner that he must file, within twenty-one days, either an application in forma pauperis to proceed without prepayment or the \$400.00 filing fee. The Notice warned Petitioner that failing to do so could result in his case being dismissed. The Notices were sent to Petitioner via certified mail, and the Court received the return receipt on March 23, 2016.

To date, the plaintiff has neither paid the initial filing fee nor responded in any fashion. Consequently, I **RECOMMEND** that Petitioner’s [ECF No. 1] Petition/Complaint be **DISMISSED** for failure to prosecute.

Any party may file, within fourteen (14) days after being served with a copy of this Recommendation, with the Clerk of the Court written objections identifying the portions of the Recommendation to which objections are made, and the basis for such objections. A copy of such objections should also be submitted to the Honorable John P. Bailey, United

States District Judge. Failure to timely file objections to the Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *Thomas v. Arn*, 474 U.S. 140 (1985).

The Clerk is **DIRECTED** to send a copy of this Report and Recommendation to the *pro se* Petitioner by certified mail, return receipt requested, to his last known address as shown on the docket. The Clerk is further **DIRECTED** to provide copies of this Report and Recommendation to counsel of record via electronic means.

DATED: June 22, 2016

/s/ James E. Seibert
JAMES E. SEIBERT
U.S. MAGISTRATE JUDGE